

REMARKS

Claims 51-56 are added herein. Claims 1-12, 20-31, and 39-56 now remain pending in the application, with claims 13-19 and 32-38 being cancelled.

Claims 1-5, 9, 12, 20-24, 28, 31, 39-43, 47 and 50 over Bunney in view of Ramasubramani

In the Office Action, claims 1-5, 9, 12, 20-24, 28, 31, 39-43, 47 and 50 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over U.S. Patent No. 6,446,112 to Bunney et al. ("Bunney") in view of U.S. Patent No. 6,314,108 to Ramasubramani et al. ("Ramasubramani"). The Applicants respectfully traverse the rejection.

Ramasubramani is referenced in the opening paragraph of the rejection of claims 1-5, 9, 12, 20-24, 28, 31, 39-43, 47 and 50, however, is never mentioned within the body of the rejection. The Applicants are herein responding to the rejection of claims 1-5, 9, 12, 20-24, 28, 31, 39-43, 47 and 50 over Bunney in view of Ramansubramani.

Claims 1-5, 9, 20-24, 28, 39-43 and 47 recite a system and method of sending a first message from a non-Internet Relay Chat program associated with a mobile device to a mobile chat proxy server and forwarding a second message compatible with an standard IRC server to the standard IRC server.

Bunney appears to disclose a network comprising at least one server and a plurality of user terminals, wherein the user terminals can communicate with each other by means of an IRC server (Abstract). Bunney's purpose is to translate a non-compliant IRC address to a compliant protocol IRC code with a maximum length of nine characters to extend the capabilities of existing nine character protocol systems (Abstract). Bunney discloses a proxy server that rewrites an IRC command with a nine character nickname and sends it to an IRC server (See col. 11, lines 41-43).

Bunney discloses translating a non-compliant IRC address and rewriting an IRC command. Bunney's invention is dependent on an IRC address, although the IRC address is non-compliant, and an IRC command. Thus,

Bunney's IRC address and IRC command would therefore be produced by an IRC program. Bunney fails to disclose or suggest a system and method of sending a first message from a non-Internet Relay Chat program associated with a mobile device to a mobile chat proxy server, as recited by claims 1-5, 9, 20-24, 28, 39-43 and 47.

Ramasubramani discloses a proxy server the interconnects various wireless network carriers having different wireless network characteristics (See Abstract). However, Ramasubramani fails to disclose any of those wireless network carriers have IRC capability, much less rely on an IRC server. Ramasubramani fails to disclose or suggest a system and method of sending a first message from a non-Internet Relay Chat program associated with a mobile device to a mobile chat proxy server, as recited by claims 1-5, 9, 20-24, 28, 39-43 and 47.

Thus, even if it were obvious to modify Bunney with the disclosure of Ramasubramani (which it is not), the theoretical combination fails to disclose or suggest a system and method of sending a first message from a non-Internet Relay Chat program associated with a mobile device to a mobile chat proxy server, as recited by claims 1-5, 9, 20-24, 28, 39-43 and 47.

A benefit of a system and method of receiving a first message from a non-Internet Relay Chat program associated with a mobile device at a mobile chat proxy server and forwarding a second message compatible with a standard IRC server to the standard IRC server is, e.g., allowing a non-IRC compatible device to participate with an IRC channel. Conventionally, a wireless device that is non-IRC compatible, such as a wireless device with short messaging service capability is unable to participate with an IRC channel. However, use of a proxy server that receives a first message from a non-Internet Relay Chat program associated with a mobile device at a mobile chat proxy server and forwards a second message compatible with a standard IRC server to the standard IRC server allows the mobile device to participate in an IRC channel. The cited prior art fails to disclose or suggest the claimed features having such benefits.

Claims 12, 31 and 50 recite a system and method of ghosting a channel of an Internet Relay Chat group through a non-IRC program associated with a mobile device.

The Examiner acknowledges that Bunney fails to disclose ghosting a channel (See Office Action, page 6). However, the Examiner alleges that it would have been obvious for one of ordinary skill in the art to provide a full-set of IRC commands functionality in a proxy server including a ghosting function because it would have enabled compatibility and permitted the user to fully participate in a standard Internet Relay Chat service (See Office Action, page 6). The Applicants respectfully disagree.

As discussed above, Bunney's invention is specifically directed toward translating a non-compliant IRC address to a compliant protocol IRC code with a maximum length of nine characters to extend the capabilities of existing nine character protocol systems. Thus, Bunney's invention is directed toward assisting a user to participate in a chat channel. In contrast, ghosting is a monitoring of a chat channel without chat participation. Therefore, the Examiner's allegation that it would have been obvious to provide a full-set of IRC commands in Bunney is unfounded. Modifying Bunney with ghosting capability is completely unrelated to IRC participation and would not require a conversion of a sender's IRC address since the sender is NOT sending an IRC address.

As discussed above, Ramasubramani discloses a proxy server the interconnects various wireless network carriers having different wireless network characteristics (See Abstract). However, Ramansubramani fails to disclose any of those wireless network carriers have IRC capability, much less ghosting capability. Ramasubramani fails to disclose or suggest a system and method of ghosting a channel of an Internet Relay Chat group through a non-IRC program associated with a mobile device, as recited by claims 12, 31 and 50.

Thus, even if it were obvious to modify Bunney with the disclosure of Ramasubramani (which it is not), the theoretical combination would fail to disclose or suggest a system and method of ghosting a channel of an Internet Relay Chat group through a non-IRC program associated with a mobile device, as recited by claims 12, 31 and 50.

Accordingly, for at least all the above reasons, claims 1-5, 9, 20-24, 28, 39-43 and 47 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 1-12, 20-31 and 39-50 over Burgan in view of Bunney and WebTV

In the Office Action, claims 1-12, 20-31 and 39-50 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Burgan et al., U.S. Patent No. 6,459,892 (“Burgan”) in view of Bunney, and further in view of WebTV to IRC Proxy debuts on SorceryNet, USENET posting in atl.online-service.webtv 10/18/1999 (“WebTV”). The Applicants respectfully traverse the rejection.

Claims 1-11, 20-30 and 39-49 recite a system and method of sending a first message from a non-Internet Relay Chat program associated with a mobile device to a mobile chat proxy server and forwarding a second message compatible with an standard IRC server to the standard IRC server.

The Examiner acknowledges that Burgan fails to disclose a chat proxy server connected to a standard IRC server (See Office Action, page 7). However, the Examiner alleges the motivation of modifying Burgan with Bunney’s chat proxy server connected to a standard IRC server is to enable mobile users to fully participate in IRC chat sessions with world wide users is nonsensical (See Office Action, page 7).

Bunney’s chat proxy server is used to translate a non-compliant IRC address and rewriting an IRC command. “Teachings of references can be combined only if there is some suggestion or incentive to do so.” In re Fine, 5 USPQ2d 1596,1600 (Fed. Cir. 1988) (quoting ACS Hosp. Sys. v. Montefiore Hosp., 221 USPQ 929, 933 (Fed. Cir. 1984)) (emphasis in original). All of Burgan’s chat functions must occur within a wireless network. Burgan fails to even mention the Internet, much less chat commands that are Internet Relay Chat compatible. Thus, modifying Burgan that lacks IRC compatible commands with Bunney’s proxy server that is designed to receive IRC chat commands is nonsensical since the two systems are incompatible and would result in an inoperable system.

Moreover, as discussed above, Bunney fails to disclose or suggest a system and method of sending a first message from a non-Internet Relay Chat program associated with a mobile device to a mobile chat proxy server and forwarding a second message compatible with an standard IRC server to the standard IRC server, as recited by claims 1-11, 20-30 and 39-49.

The Examiner alleges the WebTV article clearly has the creation date stamp from the posting server as “Mon Oct 18 19:31:59 1999 GMT” indicating the article was posted, and hence was publicly available on that date (Office Action, page 6).

As the Applicants previously argued twice, WebTV is sourced from the Internet, and as such, there is no way to verify the source and date of the publication. The Examiner alleges that the date of creation is clear, however, anyone can take the same article and post it on the Internet with a date of, e.g., Mon Oct 18 19:31:59 1929 GMT. With the Examiner’s reasoning, the article then would get a 1929 creation date before the invention of the computer itself. Although this example is extreme, it stresses the fact that since the WebTV article’s publisher and date can not be confirmed, any rejection relying on WebTV is an improper rejection under 35 U.S.C. §103(a). However, to further prosecution Applicants AGAIN herein respond to WebTV. The Examiner is respectfully requested provide support for the allegation that WebTV was published on October 18, 1999.

WebTV is relied on to disclose a chat proxy for permitting limited functionality client devices, i.e., WebTV devices, to participate fully in an IRC network by facilitating connection, translation and forwarding of commands from WebTV users to an IRC server (See Office Action, page 7).

WebTV’s proxy server is used to facilitate connection, translation and forwarding of commands from WebTV users to an IRC server. By the Examiner’s own acknowledgement, WebTV only has application to servicing WebTV devices. Thus, modifying a system servicing mobile devices with WebTV’s proxy server only servicing WebTV devices is nonsensical since providing no functionality to a mobile device. Moreover, WebTV fails to

disclose or suggest application of any of disclosed features to anything other than a proxy server servicing WebTV devices.

Therefore, modifying Burgan with the disclosure of Bunney and WebTV (even if it were a proper reference, which it is not as discussed above) is not only **nonsensical**, but fails to disclose or **suggest** a system and method of sending a first message from a non-Internet Relay Chat program associated with a mobile device to a mobile chat proxy server and forwarding a second message compatible with an standard IRC server to the standard IRC server, as recited by claims 1-11, 20-30 and 39-49.

Claims 12, 31 and 50 recite a system and method of ghosting a channel of an Internet Relay Chat group through a non-IRC program associated with a mobile device.

Burgan fails to disclose or **suggest** ghosting, much less using ghosting with a non-Internet Relay Chat program, i.e., a system and method of ghosting a channel of an Internet Relay Chat group through a short messaging service associated with a mobile device, as recited by claims 12, 31 and 50.

As discussed above, Bunney fails to disclose or **suggest** ghosting, much less using ghosting with a non-Internet Relay Chat program, i.e., a system and method of ghosting a channel of an Internet Relay Chat group through a short messaging service associated with a mobile device, as recited by claims 12, 31 and 50.

As discussed above, WebTV discloses an IRC proxy server for **only** servicing WebTV devices. However, WebTV fails to disclose or **suggest** ghosting, much less using ghosting with a non-Internet Relay Chat program, i.e., a system and method of ghosting a channel of an Internet Relay Chat group through a short messaging service associated with a mobile device, as recited by claims 12, 31 and 50.

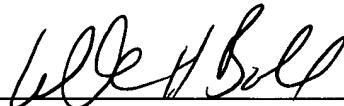
Thus, Burgan modified by the disclosure of Bunney and WebTV would fail to disclose or **suggest** much less using ghosting with a non-Internet Relay Chat program, i.e., a system and method of ghosting a channel of an Internet Relay Chat group through a short messaging service associated with a mobile device, as recited by claims 12, 31 and 50.

Accordingly, for at least all the above reasons, claims 1-12, 20-31 and 39-50 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,



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